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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,447	10/12/2000	Benoist Sebire	297-009787-US(PAR)	7380

7590 03/22/2006

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EXAMINER

ELALLAM, AHMED

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/689,447	Applicant(s) SEBIRE, BENOIST	
	Examiner AHMED ELALLAM	Art Unit 2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 and 27 is/are allowed.
- 6) ☒ Claim(s) 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>attached</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

This is responsive to Amendment filed on 2/15/2006.

The Amendment has been entered.

Claims 1-27 are pending. Claims 1-18, and 27 are allowed, claims 19-26 are rejected.

Claim Objections

1. Claim 26 is objected to because of the following informalities: The numeral character "26" is not shown. Appropriate correction is required.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 19-26 are rejected under 35 U.S.C. 102(a) as being anticipated by Admitted Prior Art, specification page 1 line 5-page 7, line 2. Hereinafter referred to as APA.

Regarding claims 19-21, 23-25, the admitted prior art discloses a packet data channel consisting of a sequence of radio bursts which are sent in certain time slot in a sequential frame, see page 1, lines 26-29. APA also discloses that the channel uses time slots, the data transmitted in a time slot is carried on a radio burst that lasts the duration of the time slot, and n packet data channels, a number of sequential bursts in certain time slots forms a radio block, APA further

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discloses that number of radio burst per radio block is four, see page 4, lines 16-20.

In addition, APA shows a mobile station (means for transmitting uplink data blocks), in connection with a base station controller figure 2 sharing the data channel, an uplink flag declare the mobile station to use a next radio block in the uplink packet data channel, page 4, lines 36-38 and page 5, lines 1-6. Wherein a radio block is allocated to a mobile station when it either transmit or receive packet data, see page 5 lines 21-26. (Examiner interpreted the Base station controller as the claimed means for transmitting the uplink data block, means for detecting the number of downlink radio bursts in which a down link data burst is transmitted, and means for selecting the number of uplink radio burst in which an uplink data block of a packet data connection belonging to the number of data connections on the data channel is transmitted, and means for selecting the number of down link radio burst in which downlink data block of a packet data connection belonging to the number of packet data connections on the packet data channel is transmitted).

It is to be noted that the number of radio blocks is specified as being 4 radio blocks in accordance with the EGPRS, thus the APA inherently has means for selecting that number of radio bursts.

Regarding claims 22 and 26, APA discloses that the mobile an EGPRS mobile station. See page 4, lines 16-23.

Allowable Subject Matter

3. Claims 1-18 and 27 are allowed.

Response to Arguments

4. Applicant's arguments see pages 12-15, filed 2/15/06, with respect to claims 1-27 have been fully considered and are persuasive. The rejections of claims 1-27 have been withdrawn.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571) 272-3097. The examiner can normally be reached on 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kizou Hassan can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHMED ELALLAM
Examiner
Art Unit 2668
3/20/06



HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
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